

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1153 - HB 1482

March 17, 2023

SUMMARY OF BILL AS AMENDED (005911): Establishes new requirements regarding continuing education for professional bail agents, including requiring any person seeking to attend a continuing education class to submit to a criminal history background check.

Requires the result of the background checks to be sent to and reviewed by the clerks of various courts with criminal jurisdiction. Requires the clerks to determine whether or not the applicant has a disqualifying criminal history, and authorizes the clerks to consult with the office of the district attorney general for the relevant judicial district in order to do so. Requires, if a clerk determines that an applicant has a disqualifying criminal history, the clerk to inform the applicant and the Tennessee Association of Professional Bail Agents (TAPBA) of such determination not less than 60 days prior to the scheduled continuing education class.

Authorizes an applicant to appeal the clerk's decision within 10 days to the court with criminal jurisdiction within the county where the background check results were received. Requires the court hearing the appeal to give written notice of its decision not less than 15 days before the scheduled continuing education class. Requires, if the court fails to provide such notice by the required date, the court to give written notice as to when a decision will occur. Establishes that the clerk's determination is final if the court fails to provide any such notice. Authorizes an applicant to appeal the criminal court's decision to the court of criminal appeals within 30 days. Authorizes clerks of criminal courts to charge a fee of not more than \$10 to process the applications and background checks.

Effective upon becoming a law; all provisions regarding background check requirements for continuing education and the prescribed processes for those requirements are effective January 1, 2025 and applies to the 2025 continuing education period.

FISCAL IMPACT OF BILL AS AMENDED:

Increase State Revenue –

\$48,300/FY24-25 and Subsequent Years/Tennessee Bureau of Investigation

Increase State Expenditures –

\$31,100/FY24-25 and Subsequent Years/Tennessee Bureau of Investigation

Increase Local Revenue –

\$13,000/FY24-25 and Subsequent Years

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Assumptions for the bill as amended:

- TAPBA is a private organization, and as such, any fiscal impacts to the association as a result of new requirements in this legislation will not result in a fiscal impact to state government.
- Based on information previously provided by TAPBA, the number of active professional bail agents in Tennessee is estimated to be 1,300.
- The proposed legislation requires each of these bail agents to submit to a criminal background check each year before attending a required continuing education class. The background checks will be conducted by the TBI.
- The TBI charges \$37.15 per criminal background check.
- Due to the January 1, 2025 effective date for background check requirements, and because the requirements are imposed on the 2025 continuing education period with the requirement that checks be performed at least 90 days before any scheduled class, it is assumed the full fiscal impacts related to these requirements will be realized in FY24-25 and subsequent years.
- Therefore, the recurring increase in revenue to the TBI for background checks is estimated to be \$48,295 (1,300 agents x \$37.15) in FY24-25 and subsequent years.
- From the \$37.15, the TBI pays the Federal Bureau of Investigation \$13.25 and the fingerprint vendor \$10.65. As such, the total expenditure to the TBI for each background check is \$23.90 (\$13.25 + \$10.65).
- Therefore, the recurring increase in state expenditures to the TBI is estimated to be \$31,070 (1,300 checks x \$23.90) in FY24-25 and subsequent years.
- Based on information provided by the Administrative Office of the Courts, any fiscal impact to the state courts related to additional appeals hearings can be accommodated within existing resources.
- It is assumed that local criminal courts can accommodate the additional responsibilities within existing resources.
- It is assumed that each clerk of the relevant criminal courts who is tasked with receiving and processing criminal background checks will charge the full 10 dollars for each check reviewed.
- Therefore, there will be a permissive increase in local revenue estimated to be \$13,000 (1,300 checks x \$10) in FY24-25 and subsequent years.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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